

**VIRGINIA BOARD OF DENTISTRY  
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE  
NOVEMBER 5, 2010**

**TIME AND PLACE:** The meeting of the Regulatory/Legislative Committee of the Board of Dentistry was called to order at 1:05 p.m. on November 5, 2010 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**PRESIDING:** Robert B. Hall, Jr., D.D.S., Chair

**MEMBERS PRESENT:** Jacqueline G. Pace, R.D.H.  
Herbert R. Boyd., D.D.S

**MEMBER ABSENT:** Meera A. Gokli, D.D.S.

**OTHER BOARD MEMBER PRESENT:** Jeffrey Levin, D.D.S.

**STAFF PRESENT:** Sandra K. Reen, Executive Director  
Huong Vu, Administrative Assistant

**OTHERS PRESENT:** Howard M. Casway, Senior Assistant Attorney General

**ESTABLISHMENT OF A QUORUM:** With three members of the Committee present, a quorum was established.

**PUBLIC COMMENT:** None.

**MINUTES:** Dr. Hall asked if the members had reviewed the minutes of the September 10, 2010 meeting. Dr. Boyd moved to accept the minutes. The motion was seconded and passed.

**STATUS REPORT ON REGULATORY ACTIONS:**

Ms. Reen stated that Ms. Yeatts was unable to attend the meeting today and went on to report the following:

**Recovery of Disciplinary Costs** – Ms. Reen reported that these regulations are still pending the Governor’s approval for publication and the 60 day public comment period.

**Registration of Mobile Clinics** – Ms. Reen reported that these regulations are the replacement of the emergency regulations that will expire on January 7, 2011. They are at the Governor’s office for approval. She added that an extension of the emergency regulations has been requested but not yet granted by the Governor.

**Registration and Practice of Dental Assistants** – Ms. Reen reported that these regulations are also at the Governor’s office for approval.

She added that once they are approved, they will become effective 30 days after publication as final regulations.

**Periodic Review; Reorganization of Chapter** - Ms. Reen reported that the NOIRA is also waiting for Governor's approval for publication.

## PERIODIC REVIEW OF REGULATIONS:

**Discussion Draft of Dental Hygiene Chapter** – Ms. Reen noted that the Committee started this process in 2007 in response to issues raised through cases, meetings and comments. She added that the purpose of this process is to restructure the regs to make them easier to follow and to improve clarity. She went on to state that the Committee decided at its last meeting to start with the dental hygiene chapter. She noted that Ms. Yeatts developed the discussion draft using the current regulations and the Committee's review notes.

The Committee discussed the draft page by page as numbered in the agenda package and decided to make the following changes:

### Page 6

The consensus was that definitions should be consistently defined in each chapter of the regulations in which it is applicable. The following changes were agreed to:

- "Dental assistant I" - add "or *dental hygienist*" after "under the direction of a dentist"
- Delete the definition of "Dental assistant II" as not being relevant to the practice of dental hygienists
- "General supervision" – replace "The order may authorize" with "*Issuance of the order authorizes*"
- "Indirect supervision" – add "or *a dental assistant*" after "to advise and assist a dental hygienist"

### Page 7

- Address of record – written as "*Each licensed dental hygienist shall provide the board with a current address of record. All required notices mailed by the board to any such licensee shall be validly given when mailed to the address of record on file with the board. Each licensee may also provide a different address for the board to provide the public...*"
- Posting of license – written as "*In accordance with §54.1-2727, a dental hygienist shall display a current, active license in an area where it is conspicuous and readable by patients. If a licensee is employed in more than one office, a notarized photocopy of the license may not be substituted for the original or a duplicate license issued by the board*"

### Page 8

- 18VAC60-25-50.A – add "direction and" before "indirect or general supervision of a license dentist"
- 18VAC60-25-50.B – add a new section B which explains that the scope of practice for dental hygienists is limited to the treatment of oral conditions taught in a CODA accredited program. Continuing education courses through other recognized sponsors may be taken to incorporate new tools and techniques

to treat such oral conditions but shall not be relied on to undertake the treatment of oral conditions not previously learned in a CODA accredited program.

- 18VAC60-25-50.C1 – written as “*Scaling and/or root planing of natural and restored teeth using hand instruments, rotary instruments, ultrasonic devices and non-surgical lasers under local anesthesia or nitrous oxide administered by the dental hygienist or dentist or under moderate sedation, deep sedation or general anesthesia administered by the dentist.*”

#### **Page 9**

- Top of the page, # 2 – replace “an initial” with ‘a *clinical*’
- Section D – after “dental hygienists” in line 1 insert “under direction” then in line 3 strike “without the dentist being present”
- Section E – add the word “*independently*” in front of “providing educational services”
- Section F – was moved to dental assistance regs as a permitted activities
- 18VAC60-25-60 – replace “or on a voluntary basis” with “*or in a voluntary practice setting*”

#### **Page 10**

- Section D – Replace the word “direction” with “another level of supervision”
- 18VAC60-25-80(A) –
  - following “direction” add “of a dentist”
  - after “or” add “a dental hygienist practicing” under general supervision
  - replace “required” after “as” with “permitted”
  - add dental assistant II duties to the exceptions
- 18VAC60-25-90 (A)(2) and (B) Consolidate to eliminate repetition

#### **Page 11**

- Section C – strike “*Local anesthesia shall not include*” and the word “*that*” after “topical Schedule VI medicinal agents”

#### **Page 12**

- 18VAC60-25-100(A)
  - 3<sup>rd</sup> line – replace “supervision” with “direction”
  - #2. – add the word “*is*” after “initial appointment, which” and strike “*local anesthesia*”
- 18VAC60-25-100(A)(3) – the Committee decided that consent needs to be explained further and to discuss at the next meeting

#### **Page 13**

- 18VAC60-25-120
  - Rework the section to use the same writing style and format as used in the Credentials section, 18VAC60-25-130
  - (C) – Strike the first word “All” and capitalize “Applicant”

#### Page 14

- Section D (top of the page) – strike the word “*All*” and capitalize “Applicant” then move to 18VAC60-20-140
- 18VAC60-25-130
  - Strike item 6 on good moral character
  - Move item #9 to 18VAC60-20-140
- 18VAC60-25-140. A1 – strike the transcript requirement

#### Page 15

- 18VAC60-25-150
  - Rework the section to use the same writing style and format as used in the Credentials section, 18VAC60-25-130
  - A(1) – replace “a final certified transcript of the grades from the college” with “*verification of graduation from the accredited program*”
- C – add the word “*hygiene*” after “generally accepted standards of dental”
- 18VAC60-25-160
  - Rework the section to use the same writing style and format as used in the Credentials section, 18VAC60-25-130
  - B – the Committee decided to consider adding a continuing competence requirement for licensees who have been inactive status for five or more years without practice in another jurisdiction

#### Page 16

- 18VAC60-25-170
  - Rework the section to use the same writing style and format as used in the Credentials section, 18VAC60-25-130
  - Section A, item 1a and item 1b – reversed the order of these two items
  - Section A, item 2c – add the word “*hygiene*” after “indirectly for providing dental”
  - Section A, item 2d – the Committee decided to give more thought to requiring continuing education
  - Section B – add the word “*oral*” in front of “health care to populations of underserved people”

#### Page 17

- 18VAC60-25-180
  - Rework the section to use the same writing style and format as used in the Credentials section, 18VAC60-25-130
  - A – strike “*dentistry or*” in front of “dental hygiene shall renew”
  - C – strike “*dentistry*” in front of “dental hygiene shall be illegal”
- 18VAC60-25-190.A1 – add the phrase “*for healthcare providers which must be hands-on course*” after “basic cardiopulmonary resuscitation”

#### Page 18

- Section B, item 2 – replace “stress management” with “*record keeping and risk management*”

**Dental Lab Work  
Orders:**

Dr. Hall presented sample dental lab forms for review and discussion. The Committee agreed that the lab form should include the following information:

- Dentist name, address and license number
- Lab name and address
- Description of work to be performed
- Tooth number
- Material to be used
- Signature of dentist
- Lab use only section
  - Material used
  - Any work subcontracted – if yes then who and material used

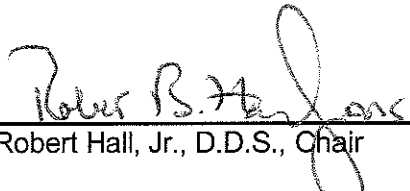
Dr. Hall agreed to bring a proposed form to the Board for review and discussion.

**NEXT MEETING:**

Ms. Reen reminded the Committee that next meeting will be on December 2, 2010 at 1:00 p.m.

**ADJOURNMENT:**

Dr. Hall adjourned the meeting at 5:20 p.m.

  
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Robert Hall, Jr., D.D.S., Chair

  
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Sandra K. Reen, Executive Director

12-2-2010  
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Date

December 2, 2010  
\_\_\_\_\_  
Date